

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 3, 2016 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Pridemore called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Commissioner Ryan.
3. The following Commissioners answered Roll Call:

Chairman Matthew Pridemore  
Commissioner Katy Cunningham  
Commissioner Bill Donaldson  
Commissioner Phil Ryan  
Commissioner Devan Wastchak

Absent and Excused:

Vice Chairman Andrew Baron  
Commissioner Ryan Foley

Also present:

Mr. Kevin Mayo, Planning Manager  
Mr. Erik Swanson, Senior City Planner  
Ms. Lauren Schumann, City Planner  
Mr. Scott McCoy, Asst. City Attorney  
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES  
MOVED BY COMMISSIONER CUNNINGHAM, seconded by COMMISSIONER DONALDSON to approve the minutes of the January 20, 2016 Planning Commission Hearing. The motion passed 4-0. (Commissioner Ryan abstained, since he was not present on January 20, 2016. Vice Chairman Baron and Commissioner Foley, absent.)
5. ACTION AGENDA ITEMS  
**CHAIRMAN PRIDEMORE** informed the audience prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion.
  - A. APL15-0006 CHANDLER AIRPARK AREA PLAN AMENDMENT/DVR15-0027/PPT15-0013 CANAL VIEW HOMES

**Approved.**

Request Area Plan Amendment to the Chandler Airpark Area Plan from Low Density Residential to Low-Medium Density Residential, along with rezoning from Agricultural to Planned Area Development for single-family residential and Preliminary Development Plan

approval for subdivision layout and housing product and Preliminary Plat approval for an eight-lot single-family residential subdivision for an 8-lot single-family residential subdivision. The subject site is located at the southeast corner of the Consolidated Canal and the Wildhorse Place alignment.

### **Area Plan**

Planning Staff recommends Planning Commission motion to recommend approval APL15-0006 CHANDLER AIRPARK AREA PLAN.

### **Rezoning**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Canal View Homes", kept on file in the City of Chandler Planning Division, in File No. DVR15-0027, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
7. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
8. The following stipulations shall be the responsibilities of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
  - a) Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Records Office upon sale of the property.

- b) The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled Chandler Municipal Airport, F.A.R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area), as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
  - c) Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
  - d) The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
  - e) The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
  - f) All homes and buildings shall be designed and built to achieve an interior noise level not to exceed 45 decibels (Ldn) from aircraft noise. A professional acoustical consultant, architect or engineer shall certify that the project's construction plans are in conformance with this condition.
  - g) The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:  
"This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and over flight activity, and is encumbered by an avigational easement to the City of Chandler."
7. Prior to the time of making any lot reservations or subsequent sales agreements, the subdivider/homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby a heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the subdivider/homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

**Preliminary Development Plan**

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Canal View Homes", kept on file in the City of Chandler Planning Division, in File No. DVR15-0027, except as modified by condition herein.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
3. The applicant shall work with Planning Staff to ensure the landscape palette is consistent with the adjacent neighborhood.
4. The applicant shall work with Planning Staff to address the design elements requested by the adjacent neighborhood as outlined above.

**Preliminary Plat**

1. Approval by the City Engineer and Planning Administrator with regard to the details of all submittals required by code or condition.

B. DVR15-0033 FRYE ROAD BUSINESS PARK (SANTAN TECHNOLOGY PARK)

**Approved. CONTINUED TO THE FEBRUARY 17, 2016, PLANNING COMMISSION HEARING**

Request rezoning from Planned Area Development (PAD) for light industrial to PAD for light industrial and billboards along with a Preliminary Development Plan (PDP) for two 70 foot tall digital billboards. The site is located at the northeast corner of 56th Street and Loop 202 Santan Freeway. **(REQUESTS CONTINUANCE TO THE FEBRUARY 17, 2016, PLANNING COMMISSION HEARING)**

The applicant requests further continuance of this case to the February 17, 2016, Planning and Zoning Commission meeting to address business owner concerns. Accordingly, Planning Staff recommends a continuance to the February 17, 2016, Planning and Zoning Commission meeting.

C. PDP15-0017 FIRST CREDIT UNION

**Approved. CONTINUED TO THE FEBRUARY 17, 2016, PLANNING COMMISSION HEARING**

Request Preliminary Development Plan approval for building mounted signage. The subject site is located at 25 S. Arizona Place, east of the northeast corner of Arizona Avenue and Boston Street. **(REQUESTS CONTINUANCE TO THE FEBRUARY 17, 2016, PLANNING COMMISSION HEARING)**

The applicant requests a continuance to the February 17, 2016, Planning Commission meeting in order to post the site for the public hearings. Accordingly, Planning Staff recommends a continuance to the February 17, 2016, Planning Commission meeting.

D. LUP15-0024 STARBUCKS

**Approved.**

Request Liquor Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio at an existing restaurant located at 4985 W. Ray Road, southeast corner of Rural and Ray roads.

1. The Liquor Use Permit is granted for a Series 12 License only, and any change of license shall require reapplication and new Liquor Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.

**CHAIRMAN PRIDEMORE** stated there was a speaker card for Item A, Seth Grainger in opposition of the item that stated the proposed density does not fit with existing neighborhood homes to the east.

**MR. SETH GRAINGER, 1530 S. VELERO PL, LOT 236** stated he bordered the proposed property and there was a couple of reason why he opposed to it, but mostly because of the density of the neighborhood that was being presented. It was proposed at 8 homes, which he considers fairly small lots. He was not opposed to having homes behind him, however, not that kind of density. With the decompression that they have to make to make 8 homes work such as private streets, he was not interested because it doesn't flow with the current design of the area. All the high density homes are much closer to Cooper Rd. where the new apartment complex that is going up and the higher density homes that are north of that. He stated he was opposed of it.

**CHAIRMAN PRIDEMORE** asked if anyone had a question for the speaker. There were none.

**CHAIRMAN PRIDEMORE** stated there was another comment card for Item A, Eric Goodman that was also in opposition of the item and did not wished to speak.

**CHAIRMAN PRIDEMORE** announced a third speaker card for Item A, Luis Zendejas that was in favor of the item and did wish to speak.

**MR. LUIS ZENDEJAS, 1488 E. WILDHORSE PLACE** stated he lives right next to where the buildings are going to be built. He stated the reason why he wanted to speak a little bit about it was because he has been there for few years and is tired that it has been alone, by itself. He has been kicking out prostitution and drugs and everything else that goes in that area. He explained 4 months ago, he got robbed over \$100,000 dollars. He stated it's an empty lot and he stated there is no lighting so he is definitely in favor to get some lighting and homes in there and actually getting some neighbors. The amount of houses and all that stuff is up to developers, it doesn't matter if it is one or 8, it doesn't matter, as long as it is nice lit up and neighbors that can watch that area of the property he's been robbed through.

**CHAIRMAN PRIDEMORE** asked if anyone had a question for the speaker. There were none.

**CHAIRMAN PRIDEMORE** stated all items are still on the Consent Agenda and asked the audience for comments, questions or if anyone would like to have items pulled for a full presentation. There was none.

**COMMISSIONER RYAN** wanted to make a comment relative to the first speaker. He referred to the aerial photo and explained there are 4 existing homes that back up to the proposed homes. The lots might not be exactly as wide and the density might be more than what's there but at least there are 4 homes that back up to it. He thinks it is comparable.

**MOVED BY COMMISSIONER RYAN** seconded by **COMMISSIONER DONALDSON** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 5-0 (Vice Chairman Baron and Commissioner Foley, absent)

6. **DIRECTOR'S REPORT**

Mr. Kevin Mayo, Planning Manager stated he wanted to clarify the small confusion about the General Plan Update meetings that are scheduled. They will be occurring in March, one will be a regular scheduled Planning Commission Hearing, March 2, 2016 at 5:30pm. On March 9<sup>th</sup>, it will be the first Planning Commission Meeting for the General Plan Update and it will be the special meeting held at Tumbleweed at 6 p.m. and the second Planning Commission meeting will be a regular meeting on March 16, 2016. All of the scheduled meetings, they anticipate the majority of public testimony to occur on the special meeting on March 9<sup>th</sup>, since it will be the only agenda item and any follow up public testimony will go to the March 16<sup>th</sup> meeting.

**CHAIRMAN PRIDEMORE** stated that the March 9<sup>th</sup> will be an actual meeting that will need to meet a quorum.

7. **CHAIRMAN'S ANNOUNCEMENTS**

**CHAIRMAN PRIDEMORE** stated the next regular meeting is February 17, 2016 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. **ADJOURNMENT**

The meeting was adjourned at 5:47 p.m.

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Matthew Pridemore, Chairman

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Jeffrey A. Kurtz, Secretary